THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4341of 2007

06-03-2007

Between:-

Sri Parsi Dev Rajaiah Vishwanatham & Co.,
Shradhanand Gunj, Nizamabad rep., by its Managing Partner
R. Jagadishwar.

Petitioner

And

The Joint Collector, Nizamabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4341 of 2007

Oral order:

The petitioner is a defacto (unlicensed) dealer of scheduled commodities, regulated by the provisions of Essential Commodities Act, 1955 and The Andhra Pradesh Scheduled Commodities Dealers (L& D) Order, 1982 (for short 'the Control Order'). The Control Order was resuscitated by the orders issued in G.O.Ms.No. 64 CA, F & CS (CS.I) Department dated 23-09-2006. The Central Ware Housing Corporation, Dubba, Nizamabad, where the stocks of the petitioner were stored, was inspected by the Vigilance and Enforcement Wing of the Civil Supplies Department on 19-02-2007 and 207.97 quintals of Redgram dall was seized on an allegation of

contravention of the provisions of the Control Order, *inter alia* on the ground that the petitioner does not have a license and had yet procured and stored the scheduled commodities, in transgression of the terms of the Control Order. On 23-02-2007, the first respondent passed an order for interim disposal of the seized commodities under Section

6-A(2) of the Act. Thereafter, the petitioner submitted a representation dated 28-02-2007 to the first respondent to stay his order dated 23-02-2007 directing interim disposal of the seized commodities. As no orders were passed on the representation dated 28-02-2007 and apprehending disposal of the seized stock, the writ petition is filed alleging *inter alia* that the first respondent has failed to record his opinion as mandated by the provisions of Section

6-A (2) of the Act.

Identical issues, as have been urged in this case, were considered by this court in W.P.No. 3761 of 2007 and by the judgment dated 27-02-2007, a similar order of the competent authority (directing interim disposal of the seized stocks in purported exercise of power under Section 6-A (2) of the Act) was set aside for the reasons recorded in the judgment with liberty granted to the competent authority or the Collector, as the case may be, to pass an order afresh duly applying the mind to the facts and circumstances and to record the opinion as

mandated by the provisions of Section 6-A (2) of the Act.

For the reasons alike (as recorded in W.P.No. 3761 of 2007 dated 27-02-2007), this writ petition is also allowed after hearing the learned Government Pleader for Civil Supplies also. The order dated 23-02-2007 of the first respondent directing interim disposal of the seized stocks of 207.97 quintals of Redgram dall is quashed. It is, however, open to the first respondent to reconsider the matter and pass a fresh order in accordance with the principles enunciated and the observations recorded in W.P.No. 3761 of 2007. No costs.

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GODA RAGHURAM, J

Dated:06-03-2007

Pvks/*

Nb:-

1) Office to enclose a copy of order dt. 27-2-2007 in W.P.NO. 3761 of 2007.

2)Furnish c.c. in three days.

B/o pvks/*